

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

GENERAL TEAMSTERS LOCAL #439,  
affiliated with INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS,

No. 2:21-cv-00563-MCE-CKD

Plaintiff,

**ORDER**

v.

LEPRINO FOODS COMPANY,

Defendant.

On January 7, 2022, this Court denied Plaintiff General Teamsters Local #439's ("Plaintiff") Motion to Compel Arbitration on grounds that the present action is barred by collateral estoppel. ECF No. 22. Defendant Leprino Foods Company ("Defendant") also moved for sanctions against Plaintiff and its counsel under Federal Rule of Civil Procedure 11,<sup>1</sup> which the Court granted. *Id.* Because the Court has already determined that sanctions are warranted, it will not recount the facts surrounding the basis for those sanctions here.

By way of its Rule 11 Motion, Defendant seeks to recover "all costs and fees incurred to defend itself in this matter, including [Defendant's] fees incurred in bringing

---

<sup>1</sup> All further references to "Rule" or "Rules" are to the Federal Rules of Civil Procedure.

1 the instant action.” Def.’s Mem. ISO Mot. Sanctions, ECF No. 12-1, at 7. Before issuing  
2 monetary sanctions, the Court ordered Defendant to provide an updated declaration with  
3 itemized amounts based on the actual hours incurred during the course of these  
4 proceedings and permitted Plaintiff to file a response. Defendant subsequently filed an  
5 updated declaration from its counsel to which Plaintiff has responded. ECF Nos. 23  
6 (“Rappaport Decl.”), 25 (“Pl.’s Response”). In its declaration, Defendant seeks sanctions  
7 in the amount of \$39,739. Rappaport Decl. ¶ 10. The Court has reviewed the parties’  
8 respective filings and, for the reasons set forth below, finds that sanctions in the amount  
9 of \$12,037 are appropriate.

10

11

## ANALYSIS

12

13 Rule 11 provides that “the court may impose an appropriate sanction on any  
14 attorney, law firm, or party that violated the rule or is responsible for the violation.”  
15 Fed. R. Civ. P. 11(c)(1). “If warranted, the court may award to the prevailing party the  
16 reasonable expenses, including attorney’s fees, incurred for the motion.” Id. 11(c)(2).  
17 Again, Defendant seeks to recover fees and costs in the amount of \$39,739. Rappaport  
18 Decl. ¶ 10 (amount includes two filing fees of \$402 and \$435). This amount is primarily  
19 based on the number of hours attorneys Adrianna C. Kourafas and Sandra L. Rappaport  
20 reportedly spent in bringing the Motion for Sanctions and in opposing Plaintiff’s state  
21 court petition to compel arbitration and the previously filed Motion to Compel Arbitration.  
22 See id. ¶¶ 1–10. Plaintiff argues that the requested amount should be reduced for a  
23 number of reasons, including that the hourly rates sought by defense counsel, \$425 for  
24 Ms. Kourafas and \$715 for Ms. Rappaport, are excessive. Rappaport Decl. ¶ 2. To  
25 determine the reasonableness of the hourly rates claimed, the district court looks to “the  
26 prevailing market rates in the relevant community,” Blum v. Stenson, 465 U.S. 886, 895  
27 (1984), “for similar work performed by attorneys of comparable skill, experience, and  
28 reputation,” Chalmers v. City of L.A., 796 F.2d 1205, 1210–11 (9th Cir. 1986). In

1 general, "the relevant community is the forum in which the district court sits." Barjon v.  
2 Dalton, 132 F.3d 496, 500 (9th Cir. 1997). The burden is on the party seeking fees "to  
3 produce satisfactory evidence . . . that the requested rates are in line with those  
4 prevailing in the community for similar services by lawyers of reasonably comparable  
5 skill, experience, and reputation." Blum, 465 U.S. at 895 n.11.

6 Aside from identifying Ms. Rappaport as a partner in her firm, see Rappaport  
7 Decl. ¶ 1, Defendant has not provided any information (e.g., years of experience) to  
8 support their requested rates. Plaintiff alternatively suggests that rates of \$250 for  
9 Ms. Kourafas and \$400 for Ms. Rappaport would be reasonable. Pl.'s Response at 6.  
10 The Court finds that the rates advanced by Plaintiff are more in line with the prevailing  
11 rates in Sacramento. See, e.g., Tenorio v. Gallardo, No. 1:16-cv-00283-DAD-JLT, 2019  
12 WL 3842892, at \*4 (E.D. Cal. Aug. 15, 2019). Accordingly, the appropriate baseline is  
13 \$13,000 (52 hours x \$250) for Ms. Kourafas and \$9,400 (23.5 hours x \$400) for  
14 Ms. Rappaport, which totals \$22,400 in attorneys' fees.

15 In addition, Plaintiff contends that defense counsel expended unnecessary hours.  
16 For example, Plaintiff contends it was unnecessary that Ms. Kourafas spent 20 hours  
17 drafting the Motion for Sanctions; 10 hours reviewing the state court petition to compel  
18 and drafting an answer; and 13 hours preparing a Notice of Removal. Pl.'s Response  
19 at 6 (citing Rappaport Decl. ¶¶ 2–4). Plaintiff also believes that Ms. Rappaport  
20 expending 14 hours in preparing a Reply brief in support of Defendant's Motion for  
21 Sanctions is excessive. Pl.'s Response at 6 (citing Rappaport Decl. ¶ 8). The Court  
22 agrees that a reduction is warranted not only for these enumerated tasks, but for the  
23 work performed in defending this action in general. On review of the record as a whole,  
24 the Court, in its discretion, finds it appropriate to reduce the total hours expended—and  
25 therefore the total amount of fees requested—by one half. The Court therefore awards  
26 \$12,037 (( $\$22,400 / 2$ ) + \$402 + \$435), which it has determined are the reasonable  
27 attorneys' fees and costs directly resulting from Plaintiff's counsel's Rule 11 violation.  
28 ///

## CONCLUSION

Having already granted Defendant's Motion for Sanctions, ECF No. 12, the Court hereby issues sanctions against Plaintiff and its counsel in the amount of \$12,037. This case, having been resolved in its entirety, is hereby DISMISSED with prejudice. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: March 25, 2022

  
MORRISON C. ENGLAND, JR.  
SENIOR UNITED STATES DISTRICT JUDGE